

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BRYAN HENRY AND JAMES CLIFFORD,
individually and on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

MAJOR LEAGUE BASEBALL ADVANCED
MEDIA, L.P.,

Defendant.

Case No. 1:24-cv-01446-GHW-GWG

CLASS ACTION

JURY TRIAL DEMANDED

**DEFENDANT MLB ADVANCED MEDIA, L.P.'S
NOTICE OF MOTION AND MOTION TO STRIKE AND DISMISS
PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO
FEDERAL RULES OF CIVIL PROCEDURE 12(f), 12(b)(6), AND 12(b)(1)**

PLEASE TAKE NOTICE that Defendant MLB Advanced Media, L.P. ("MLBAM") respectfully moves this Court to strike and dismiss Plaintiffs Bryan Henry and James Clifford's Amended Complaint (ECF No. 40) pursuant to Federal Rules of Civil Procedure 12(f), 12(b)(6), and 12(b)(1) at a date and time to be determined by the Court. This request is based on this Notice of Motion, the accompanying Memorandum of Law in Support, dated December 19, 2024, all pleadings and documents on file in this matter, and such oral or written evidence and argument as may be introduced at, or prior to, the hearing on this motion. Pursuant to the Court's October 8, 2024 Order (ECF No. 36), an identical Memorandum in Support of MLBAM's Motion to Strike and Dismiss Plaintiffs' Amended Complaint is also being filed in *Golland v. Major League Baseball Advanced Media, L.P.*, No. 1:24-CV-06270-GHW-GWG.

In light of the October 8 Order, MLBAM understands that the Court would prefer briefing on the motions in both *Henry* and *Golland* to proceed in parallel. Thus, pursuant to the Court's

Individual Practices, Rule 2.B, MLBAM contacted Plaintiffs to confer on a proposed briefing schedule for this Motion, with the intention of agreeing to identical proposed briefing schedules in both cases. As of the time of filing, MLBAM has not reached agreement to the same proposed briefing schedule with counsel for Plaintiffs in both cases.

MLBAM proposed the following briefing schedule to Plaintiffs in both cases:

1. Plaintiffs' Response to MLBAM's Motion will be due within **60 days** of the filing of MLBAM's Motion, by **February 18, 2025**.
2. MLBAM's Reply in Support of Its Motion to Strike and Dismiss will be due within **30 days** of the filing of Plaintiffs' Response.

Plaintiffs in the *Golland* case agreed to this briefing schedule. Plaintiffs in the *Henry* case proposed that Plaintiffs' Response would be due within **40 days** of the filing of MLBAM's Motion, by **January 28, 2025**, and MLBAM's Reply would be due within **20 days** of the filing of Plaintiffs' Response. Therefore, MLBAM reports that not all parties have agreed to a proposed briefing schedule.

Dated: December 19, 2024

Respectfully submitted,

By: *S/ Alan E. Littmann*
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*Attorneys for Defendant
Major League Baseball Advanced Media, L.P.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 19, 2024, a true and correct copy of the above and foregoing document was electronically filed with the Court. Pursuant to Local Rule 5.2, the Court's Procedures for Electronic Filing, this constitutes service on all parties of record in the above-captioned matter by ECF.

S/ Alan E. Littmann

Alan E. Littmann